

## ELECT LITTMAN OR DISBAND CO. B., SULZER'S ORDER

Ultimatum Issued on Race  
Issue in Forty-seventh  
Regiment.

### REPORT IS PROTESTED.

Col. Barthman's Counsel Says  
Case Was Not Closed When  
Finding Was Made.

ALBANY, July 13.—Gov. Sulzer today declared that if former Sergeant Samuel Littman is not elected second lieutenant of Company B, Forty-seventh Infantry, N. Y., he will disband the company. He made the statement while commenting on the report of Lieut.-Col. Herman Bendell, which found that Littman's contention that he had been denied election to a second lieutenantcy in the company because he is a Jew was sustained.

"I shall see to it," said the Governor, "that Littman be given the right to re-enlist, if he desires to do so. I shall see to it that an election is held and that Littman is given a square deal, and if he is not elected by that company, I shall disband the company."

Littman returned from the National Guard early in the year, after claiming he had been denied promotion on account of his race and religion.

Military ethics, which sent the lips of a soldier against criticism of his superior officer, barred Col. Henry C. Barthman, commanding the Forty-seventh Regiment of the National Guard, from commenting upon Gov. Sulzer's approval of the report upon the investigation of charges that race discrimination had cropped up in the command. In the report, made by Lieut.-Col. Herman Bendell, retired, it was recommended that Col. Barthman be censured "and otherwise dealt with as his offense, in the judgment of the commander-in-chief, may warrant."

Col. Barthman had been accused of telling Samuel Littman, a sergeant who applied to election as a commissioned officer, that he would be "lonesome" in the council of officers because of his religion. Col. Barthman said today that he had read the Governor's comment on the report, but that he would make no comment.

**SOLDIERLY SILENCE BY COL. BARTHMAN AS TO HIS ACTION.**

"I am a soldier," said Col. Barthman, "and it would be the height of disrespect for me to comment upon any action taken by Gov. Sulzer, who is my superior officer. I am unprepared to say what steps I will take, if any, to obtain vindication. My story was told during the investigation, and it is unlikely that anything further will be done by me or by any one in the regiment."

That Col. Barthman's counsel, Col.

Alexander S. Bacon, of No. 37 Liberty street, does not share all of his client's sentiments when he was seen at his office shortly before he telephoned Col. Barthman and suggested that they hold a conference. Col. Bacon expressed surprise at the publication of the findings of Lieut.-Col. Bendell, who sat at the inquiry.

It was at Bendell's suggestion, said Col. Bacon, that both sides in the controversy were given until July 31 in which to submit briefs, instead of submitting up to the close of testimony. Accordingly, said Col. Bacon, it seemed strange the report should be made and given to the public before the expiration of that period. Further than this, however, Col. Bacon declined to say.

A feature of the report and Gov. Sulzer's comment thereon that proved of interest to students of military subjects, was the recommendation that Col. Barthman be censured and otherwise dealt with. It is held by the authorities that a military legal procedure that no one, even an Emperor, can punish, by reprimand or otherwise, any soldier until charges have been filed against him and he has been regularly found guilty by court-martial. Col. Barthman has not been court-martialed.

### ANSWER TO BISCHOFF SUIT.

Emigrant Savings Bank Declares the Justice Caused His Own Death.

The Emigrant Industrial Savings Bank today filed its answer to the suit brought by the estate of the late Justice Henry Bischoff of the Supreme Court, who was killed by a plunge of twelve stories through the elevator shaft in the building owned by the bank at No. 81 Chambers street. The bank declares that the Justice was killed because of his own carelessness. The estate is suing for \$100,000 damages through James S. Mene, son-in-law and executor of the late Justice. The bank is represented by Robert M. McCormick, attorney, and the estate of the Justice has retained the law firm of Ingram, Root, Mamey, Clark & Low to prosecute the suit.

## JUST APPLY POS-LAM AND SEE RESULTS

When the complexion is unduly red or sunburned;  
When tormented by itching skin;  
When pimples, hives, rashes, mosquito bites, prickly heat or hives annoy;  
When the feet are tired, itching, chafed or blistered;  
When eczema, acne, salt rheum or any distressing skin disease afflicts;  
When the skin is burned, scalded, poisoned, irritated or abraded;  
Pos-lam soothes, cools, comforts, relieves all burning, smarting and itching. Quickly eradicates all skin diseases and restores the skin to normal and presentable appearance.

**POS-LAM SOAP**, medicated with Pos-lam, is unequalled for the skin, not only when disease is present, but as the safest and most beneficial soap for daily use, toilet and bath. Soothes tender skin, never irritates.

All druggists sell Pos-lam (price, 50 cents) and Pos-lam Soap (price, 50 cents). For free samples, write to the Emergency Laboratories, 38 West 38th Street, New York City.

## CITED GAYNOR LAW ON STREET BASEBALL

But Astute Mr. Arnstein Isn't So  
Sure About It When He  
Is Fined \$5.

Sydney Arnstein of No. 91 Intervale avenue, the Bronx, wasn't quite so insistent on his knowledge of the law when he was arraigned before Magistrate Butts in the Morristania Court today as he had been yesterday afternoon. Then Policeman Gilligan of the Morristania station, handed summonses to him and to his friends, Ira W. Silverman of No. 330 Hunt's Point place, and Benjamin Gallant of No. 76 Trinity avenue, for playing ball in the street.

A Mrs. Wolf had telephoned to the station that the ball had struck her as she walked through Intervale avenue, and Gilligan was sent around to stop the players.

"You can't do anything to us," Arnstein exclaimed. "You didn't warn us. Mayor Gaynor says you've got to give us warning."

"You seem to know quite a lot of law," said Gilligan in pretended humility. "I ought to," boasted Arnstein. "I'm a law clerk. I'm up on these things, officer."

"Well, you'll be up before Magistrate Butts also," declared the policeman. "You've had all the warning you are going to get. Now you're going to get a summons."

Arnstein didn't say a word about

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being a law clerk when the Magistrate fined him \$5. He paid the fine and his friends paid similar amounts.

Prince Katsura Seriously Sick.  
TOKIO, July 13.—Prince Taro Katsura, former Premier and Foreign Minister of Japan, is lying seriously ill suffering from cancer of the stomach.

## Going Away? Don't forget to take a few bottles of

**Odol**  
Its daily use will insure perfect Mouth Health and keep your teeth in fine condition.  
Price 50 Cents. All Druggists.  
There is Nothing "Just as Good."  
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Eyes Examined Without Charge  
by Registered Eye Physicians.  
Perfect Fitting Glasses, \$2.50 to \$12.  
217 Broadway, Astor House.  
223 Sixth Ave., 15th St. 330 Sixth Ave., 22d St.  
101 Nassau, Ann St. 17 West 42d—New York.  
498 Fulton St., Cor. Bond St., Brooklyn.



## The Wanamaker Men's Store Opens Again Tomorrow at 7:30 O'clock

to accommodate those on their way  
to business who wish to take  
advantage of our largest and,  
in many ways, the best  
sale of Men's  
Clothing

**INCLUDING**  
**9,127 Men's Suits Not on Sale Before**  
**\$16.50 to \$25 Grades for \$11.50**  
New Store for Men, Eighth street, corner Broadway.  
**\$25 to \$35 Grades for \$15.50**  
Burlington Arcade floor, New Building.  
**No Charge for Alterations**

Three-piece and two-piece suits of all-wool worsteds, chevots, crashes, cassimeres and homespun, in more than 400 patterns—mixtures, stripes, checks and plaids.

All sizes—to fit every normal man—short, stout, tall.

Half-lined suits, full-lined suits, three-quarter lined suits. Mostly sack suits but a few Norfolks.

And 500 cool, mohair suits, rarely found in a sale.

Following the successful experiment tried in our earlier sales, the suits are grouped according to sizes, for quick selection.

### The Best Kept Until Last

The old custom of putting the biggest apples at the top of the barrel is reversed in the clothing manufacturing business.

There, when it comes to the end of the season, the makers hold back and keep out of sight their best suits, getting full price for them as long as they can.

These 9,127 suits are the surplus stock from one of the largest clothing concerns in the country. The season's output was over 150,000 suits, sold by retailers for \$16.50 to \$35.

### We Offer These Same Grades for \$11.50 and \$15.50

It is a nationally advertised brand of clothing, which shall be nameless in this announcement, so that the many dealers over the country still selling the suits at full prices may be protected.

It is a clothing concern that we have worked with for many years, always bettering their product.

At first they installed a private tailoring shop to make our clothing the Wanamaker way. They did it under protest, saying we were crazy to pay so much for making clothes; that no other dealer insisted upon such strict specifications.

Now they make ALL their better grades of clothing the Wanamaker way.

### Extra Selling Facilities

Extra fitting-rooms, extra tailors, extra alteration shops, extra salesmen, extra room.

### Almost an Entire Block of Clothing

The suits will occupy the entire regular Clothing Store, the Boys' Store, the Hat Store, running down through the Burlington Arcade and into the Corner Store for men at 8th street, corner Broadway.

It requires some space to show 9,127 suits!

**JOHN WANAMAKER**  
Broadway at Ninth Street.

## The LARGEST RETAIL STORE IN NEW YORK Smith Gray's Entire Stock Reduced Without Reserve

Our immense showing of fashionable, finely tailored summer clothes is now marked without reserve at **prices unmatched anywhere** in New York.

All our \$22 two and three piece suits—	} Now <b>\$13</b>
All our \$20 two and three piece suits—	
All our \$18 two and three piece suits—	
All our \$30 two and three piece suits—	} Now <b>\$16</b>
All our \$28 two and three piece suits—	
All our \$25 two and three piece suits—	
All our \$45 two and three piece suits—	} Now <b>\$22</b>
All our \$40 two and three piece suits—	
All our \$35 two and three piece suits—	

Suits that have actually been selling at Smith Gray's for \$18 to \$45 and worth ten dollars more.

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